

Message Text

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ACTION EUR-12

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C O N F I D E N T I A L BONN 09387

E.O. 11652: GDS
TAGS: PFOR PGOV GE PL GW WB
SUBJECT: FRG STATEMENT ON GDR-POLAND TREATY OF
FRIENDSHIP

REFS: (A) BERLIN 5927; (B) 1975 BONN 16673;
(C) 1975 STATE 242197

1. ON JUNE 1 FRG SPOKESMAN GRUENEWALD ISSUED A
STATEMENT THAT THE MAY 28 GDR-POLAND TREATY OF
FRIENDSHIP DID NOT AFFECT THE LEGAL POSITION OF THE FRG
AS SET FORTH IN ITS TREATIES CONCLUDED WITH THE SOVIET
UNION, POLAND AND THE GDR. IN THOSE TREATIES,
GRUENEWALD CONTINUED, THE FRG, WITHIN THE FRAMEWORK OF
ITS RENUNCIATION OF FORCE POLICY, HAD EXPRESSLY
RECOGNIZED THE INVIOABILITY OF THE FRONTIERS EXISTING
IN EUROPE. IN THE 1970 WARSAW TREATY THE FRG HAD
RECOGNIZED THAT THE ODER-NEISSE FORMED POLAND'S WESTERN
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BOUNDARY.

2. GRUENEWALD POINTED OUT THAT ARTICLE 2 OF THE GDR-
POLAND TREATY CONCERNING THE INVIOABILITY OF FRONTIERS
STOOD IN OPPOSITION TO CSCE PRINCIPLE I IN WHICH THE
PARTICIPATING STATES HAD INDICATED THAT "...THEIR
FRONTIERS CAN BE CHANGED, IN ACCORDANCE WITH

INTERNATIONAL LAW, BY PEACEFUL MEANS AND BY AGREEMENT."

3. REGARDING THE GERMANY AND BERLIN ASPECTS OF THE TREATY, GRUENEWALD SAID THAT THE OCTOBER 14, 1975, ALLIED STATEMENT (SEE REF B FOR TEXT) ON THE SOVIET-GDR TREATY ALSO APPLIED TO THE GDR-POLAND TREATY. GRUENEWALD EMPHASIZED THAT THE ALLIES HAD MADE IT CLEAR THAT THEIR RIGHTS AND RESPONSIBILITIES FOR BERLIN AND GERMANY AS A WHOLE WERE UNAFFECTED BY SUCH TREATIES. HE ADDED THAT THERE WAS NO REASON THAT THE ALLIED POSITION COULD CHANGE WITH REGARD TO THE GDR-POLAND TREATY. IN THIS CONNECTION, GRUENEWALD REFERRED TO THE DECLARATION ISSUED BY THE FOUR CHIEFS OF STATE AND GOVERNMENT IN LONDON LESS THAN FOUR WEEKS AGO.

4. COMMENT: SINCE ARTICLE 2 OF THE NEW TREATY SPEAKS NOT ONLY OF THE "INVIOABILITY" OF FRONTIERS BUT ALSO OF THEIR "IMMUTABILITY" (UNVERAENDERLICHKEIT), THE FRG BELIEVED IT WAS NECESSARY TO RESPOND BY REFERRING TO THE PEACEFUL CHANGE PROVISION IN THE CSCE FINAL ACT. WE ALSO NOTE THAT ARTICLE 9 OF THE GDR-POLAND TREATY, PLEDGING THAT BOTH PARTIES WILL MAINTAIN AND DEVELOP THEIR RELATIONS (VERBINDUNGEN) WITH WEST BERLIN "IN ACCORDANCE WITH THE QUADRIPARTITE AGREEMENT," IS A DUPLICATE OF ARTICLE 7 OF THE 1975 SOVIET-GDR TREATY. AS SUCH, IT IS A NOT UNEXPECTED CONTINUATION OF EFFORTS TO DISTORT THE MEANING OF THE "TIES" PROVISION OF THE QA AND TO PRESENT WEST BERLIN AS AN INDEPENDENT ENTITY WITH WHICH ALL STATES -- NOT

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JUST THE FRG -- SHOULD DEVELOP NORMAL RELATIONS.
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